

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

HILARIO RAZURA JIMENEZ, JOSE )  
MANUEL GUERRERO GOMEZ, )  
J. REFUGIO CASTELLON LUNA, )  
GUILLERMO BERNAL ORTEGA, )  
RIGOBERTO TORRES GUERRERO, )  
DIEGO FLORES CICERNOS, )  
RUBEN MADERA CANALES, LUIS A ) Civil Action No. 3:11-0276  
ALBERTO MEDINA AYON, ALVARO )  
MORALES VILLEGAS, MELCHOR )  
JAVIER CASTANEDA GALLARDO, )  
JOSE CASIMIRO BENAVIDES )  
FRIAS, EDGARDO IBARRA RUIZ, )  
HUGO IGNACIO IBARRA RUIZ, )  
MIGUEL ANGEL GOMEZ NUNO, )  
OSCAR RODRIGUEZ GOMEZ, )  
and TEODULO HUIZAR MADERA )  
Plaintiffs, )  
v. )  
VANDERBILT LANDSCAPING LLC, )  
LARRY VANDERBILT SR., JOFFREY )  
VANDERBILT,ONESOURCE )  
LANDSCAPE AND GOLF SERVICES, )  
INC., ABM SERVICES INC, and ABM )  
INDUSTRIES, INCORPORATED )

Jury Demand

**Defendants.**

**MOTION TO DISMISS COUNTERCLAIMS BY LARRY VANDERBILT SR.**

**AND JOFFREY VANDERBILT**

Plaintiffs/Counter-Defendants, Hilario Razura Jimenez, et al, ("Plaintiffs"), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court dismiss Defendant's Counterclaims (*Dkt. No. 15*). As grounds for this

Motion, Plaintiffs rely on their Memorandum in Support filed contemporaneously herewith.

DATE: May 31, 2011

Respectfully Submitted,

s/Charles P. Yezbak, III

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## **CERTIFICATE OF SERVICE**

This is to hereby certify that I have this the 31st day of May electronically filed the above with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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*Counsel for the ABM Defendants*

Dated May 31, 2011

s/ Charles P. Yezbak, III  
Charles P. Yezbak, III